

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: NATIONAL FOOTBALL LEAGUE PLAYERS' CONCUSSION INJURY LITIGATION	No. 2:12-md-02323-AB  MDL No. 2323
Kevin Turner and Shawn Wooden, <i>on behalf of themselves and others similarly situated,</i>  Plaintiffs,  v.  National Football League and NFL Properties, LLC, <i>successor-in-interest to NFL Properties, Inc.,</i>  Defendants.	No. 14-cv-00029-AB
THIS DOCUMENT RELATES TO:  <i>Hernandez v. National Football League, et al.</i>  <i>Scroggins, et al. v. National Football League</i>	No. 18-cv-00464-AB  No. 16-cv-02058-AB

**NFL DEFENDANTS' MOTION TO FILE UNDER SEAL LIMITED PORTIONS OF  
THEIR MOTION TO DISMISS THE COMPLAINTS FILED BY SETTLEMENT  
CLASS MEMBERS TRACY SCROGGINS, ROSE STABLER, AND A.H.**

Pursuant to Rule 5.1.5 of the Local Rules of Civil Procedure for the United States District Court for the Eastern District of Pennsylvania, Defendants the National Football League ("NFL"), NFL Properties LLC ("NFLP"), and the NFL Foundation f/k/a NFL Charities ("NFLC" and, together with the NFL and NFLP, the "NFL Defendants") respectfully request leave to file under seal certain portions of the Memorandum of Law in Support of NFL Defendants' Motion to Dismiss the Complaints Filed by Settlement Class

Members Tracy Scroggins, Rose Stabler, and A.H. (the “Memorandum of Law”).<sup>1</sup> Exhibit 1 is a version of the Memorandum of Law that includes the NFL Defendants’ proposed redactions; the NFL Defendants are providing the Court with an unredacted courtesy copy of Exhibit 1 highlighting the proposed redactions.

On March 23, 2017, this Court entered an Order Regarding Retention, Exchange, and Confidentiality of Claims Information in NFL Concussion Settlement Program (the “Confidentiality Order”). (ECF No. 7324.) Pursuant to the Confidentiality Order, “[a]ll Claims Information must be kept confidential and cannot be disclosed except as allowed by this Order, the Settlement Agreement, or other order of the Court.” (Confidentiality Order ¶ 3, ECF No. 7324.) “Claims Information” includes “all documents and electronically-stored information relating to a Settlement Class Member . . . disclosed to or obtained by the Parties . . . in connection with the administration of the Settlement Agreement.” (*Id.* ¶ 1(a).)

The Confidentiality Order expressly allows the NFL Defendants to use Claims Information in litigation. (*See id.* ¶ 11 (“Nothing in this Order affects the ability of a Party or Settlement Entity to use Claims Information in any suit or other legal proceeding relating to the operation of the Program and initiated by a Settlement Class Member or as necessary to enforce the terms of the Settlement Agreement or any order of the Court as to Settlement Class Members or other parties.”).)

The proposed redacted language in the Memorandum of Law concerns information obtained by the NFL Defendants “in connection with the administration of the

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<sup>1</sup> The NFL Defendants’ motion to dismiss relates to *Scroggins v. National Football League*, No. 16-cv-02058 and *Hernandez v. National Football League*, No. 18-cv-00464. The NFL Foundation is a defendant only in *Hernandez v. National Football League*.

Settlement Agreement” related to Plaintiff Tracy Scroggins, and therefore constitutes “Claims Information” governed by the Confidentiality Order. Accordingly, the NFL Defendants move to file this limited material under seal. The NFL Defendants submit that placing this limited material under seal will not in any way delay this matter or prejudice the parties, and protecting this material outweighs any interest in having it publicly disseminated.

The NFL Defendants respectfully request that the Court permit the NFL Defendants (1) to file the Memorandum of Law under seal; (2) to file a redacted version of the Memorandum of Law on the public docket; and (3) to serve Scroggins’ counsel with an unredacted version of the Memorandum of Law.

Dated: July 18, 2018

Respectfully submitted,

/s/ Brad S. Karp  
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